IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
Appeal from Order No.825 of 2007.

Mr. Moorthi Ramaiyya Pillai ..Appellant

versus

Municipal Corporation of
Gr.Mumbai ..Respondent.

Mr.D.r.Tiwari i/b. Ms. Soniya Sharma for the Appellant

Ms. Nisha A. Dabhade for the BMC.

Coram : S.R.Sathe, J.
Dated : 19th Oct., 2007

P.C.

1. Heard both the learned advocates.

2. Prima facie it appears that plaintiff is in possession of the suit property. Notice is issued under Section 351 of BPMC Act. The plaintiff has also submitted certain documents to the defendant Corporation after he came to know about the suit notice. Considering all these aspects the order passed by the learned Judge refusing ad interim relief is set aside.

3. The defendant Corporation is directed not to act upon the suit notice till 30.11.2007.

4. Parties to appear before the trial Court on 26.10.2007.

5. The trial court to dispose of the suit on merits according to law without getting influenced by the observations made in this Order.

6. Both the parties are directed to co-operate the Court for expeditious disposal of the Notice of Motion.

(S.R.Sathe, J.)